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1 BEFORE THE POLICE BOARD
2 OF THE CITY OF CHICAGO
3 IN THE MATTER OF CHARGES)
4 FILED AGAINST) Case No. 14PB2856
5 P.O. MAURICE ANDERSON.)
6
7 REPORT OF THE VIDEOTAPED PROCEEDINGS
8 had at the hearing in the above-entitled matter
9 before Mr. Fredrick H. Bates, Hearing Officer,
10 at 30 North LaSalle Street, Suite 1240,
11 Chicago, Illinois, on July 28, 2014, at the
12 hour of 10:00 a.m.
13 - - - - -
14 APPEARANCES:
15 CITY OF CHICAGO
16 DEPARTMENT OF LAW
17 BY: MS. HILLINA T. TAMRAT
18 30 North LaSalle Street
19 Suite 1020
20 Chicago, Illinois 60602,
21 On behalf of the Superintendent;
22 MR. DANIEL Q. HERBERT,
23 On behalf of Respondent;
24 POLICE BOARD OF THE CITY OF CHICAGO
 MR. MAX CAPRONI

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1
2 **HEARING OFFICER BATES:** Calling the
3 matter of Police Officer Maurice Anderson, case
4 number 14BP2856 for trial. Is Counsel ready to
5 proceed?
6 **MS. TAMRAT:** Yes.
7 **MR. HERBERT:** Yes.
8 **HEARING OFFICER BATES:** Please identify
9 yourself for the record.
10 **MS. TAMRAT:** Hillina Tamrat on behalf of
11 the Superintendent.
12 **MR. HERBERT:** Good morning. Dan Herbert,
13 and I represent Maurice Anderson who is present
14 in court.
15 **HEARING OFFICER BATES:** All right. Officer
16 Anderson acknowledge receipt of the charges at
17 least five days prior to today's hearing?
18 **MR. HERBERT:** He does. And we'll waive
19 formal reading and enter a plea of not guilty.
20 **HEARING OFFICER BATES:** You plead not
21 guilty, sir?
22 **OFFICER ANDERSON:** Yes.
23 **HEARING OFFICER BATES:** Let the record
24 reflect that Officer Anderson has indicated his

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1 plea of not guilty to the charges.
2 Couple of preliminary matters.
3 There was a motion that was filed in connection
4 with the testimony of Sharita Lewis for today,
5 a motion to excuse Officer Lewis, which I don't
6 know if you got word that I granted it.
7 **MS. TAMRAT:** Yes. Thank you.
8 **HEARING OFFICER BATES:** For the record, I
9 want to be clear. I understand why you filed
10 the motion given the fact that I wanted to put
11 some teeth into the fact that there had been a
12 subpoena served. I'm not so callous as to
13 understand if there was a real health
14 condition, you just hadn't talked to her yet.
15 **MS. TAMRAT:** Absolutely. And I understand
16 that, yes.
17 **HEARING OFFICER BATES:** There is a motion
18 to strike and dismiss which will be ruled on
19 with the case.
20 My recollection from our
21 discussion in the pre-trial conference is that
22 the Superintendent's response is due July 31st,
23 2014, and the reply, if any, which I have in
24 quotes, is August 4th, 2014; is that correct?

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1 **MS. TAMRAT:** Yes.
2 **MR. HERBERT:** Correct.
3 **MS. TAMRAT:** If I may, now that the hearing
4 has been continued to September 8th, if I may
5 be granted additional time to respond to the
6 motion to dismiss I would appreciate that.
7 **HEARING OFFICER BATES:** What do you want?
8 **MS. TAMRAT:** I want sometime in August
9 after the Terrazas hearing. I'm also handling
10 that hearing with Mr. Herbert.
11 **HEARING OFFICER BATES:** Give me a date.
12 **MS. TAMRAT:** So if I can have the August
13 15th.
14 **HEARING OFFICER BATES:** Okay. So we're
15 going to strike the previous dates regarding
16 motion to dismiss. Superintendent's response
17 will be due August 15, 2014, reply, if
18 any -- what day of the week is that?
19 **MS. TAMRAT:** It's a Friday.
20 **HEARING OFFICER BATES:** If any, due on the
21 22nd. Is that enough time?
22 **MR. HERBERT:** That's fine.
23 **HEARING OFFICER BATES:** 8/22/14. That was
24 easy.

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1 **MS. TAMRAT:** Thank you, your Honor.
2 **HEARING OFFICER BATES:** Okay. I want to
3 say it was late Friday afternoon I got a rather
4 lengthy motion to compel, although the motion
5 is brief, the attachments were over 80 pages.
6 I, in fact, have read it. And had Officer
7 Lewis been available to proceed today, I would
8 have been prepared to rule on this without
9 giving the City an opportunity to respond in
10 writing, although I clearly would have heard
11 argument.
12 Having said that, we have plenty
13 of time now. So it is my preference to allow
14 the Superintendent -- Ms. Tamrat, you might not
15 like this, I'm going to tell you what my
16 inclination is. My inclination is to set this
17 for response by the Superintendent on August
18 11th. It's a really narrow issue, it's not
19 that complicated.
20 **MS. TAMRAT:** I agree.
21 **HEARING OFFICER BATES:** And reply, if any,
22 by August 18th and set the matter for status on
23 August 25th before we come back.
24 **MS. TAMRAT:** That's fine.

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1 **HEARING OFFICER BATES:** So that's what I
2 will do.
3 The motion to compel discovery,
4 response from the Superintendent due by
5 8/11/14. Reply, if any, due by 8/18/14.
6 Matter set for status in this case on August
7 25, 2014, at 10:00 a.m., which will be before
8 the second day of trial, we can get this issue
9 resolved.
10 **MR. HERBERT:** I'm sorry. The second day of
11 trial is not the 25th in this case?
12 **HEARING OFFICER BATES:** No, September 8th.
13 **MR. HERBERT:** I misunderstood that.
14 **HEARING OFFICER BATES:** No, second day of
15 trial -- you almost got me to do it now.
16 Okay. Because Officer Lewis is
17 not available today, we scheduled the second
18 day for September 8th. It's a good thing we
19 did that. This will necessitate that
20 Respondent's case will begin before the
21 Superintendent's case is closed, as we agreed
22 to. That will include the testimony of Officer
23 Anderson, with the understanding that he may be
24 recalled on the 8th in response to any

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1 testimony that needs to be responded to that
2 Officer Lewis gives; is that agreed?
3 **MS. TAMRAT:** Yes.
4 **MR. HERBERT:** Agreed.
5 **HEARING OFFICER BATES:** Just want it on the
6 record.
7 The Superintendent intends to
8 call Police Officer Anderson as an adverse
9 witness. Officer Lewis is on the 8th. And to
10 avoid cumulative evidence, one of either the
11 evidence technician Norris and the responding
12 officers Moore or Yancy, which one have you
13 decided that you're going to call?
14 **MS. TAMRAT:** Officer Moore.
15 **HEARING OFFICER BATES:** Okay. And one of
16 either Sergeants Rios or Spellman of the IAD
17 regarding state of mind and injuries, which
18 one?
19 **MS. TAMRAT:** I haven't been able to secure
20 either.
21 **HEARING OFFICER BATES:** So we may have to
22 hear from one of them on the 9th is what you're
23 telling me or you may not need them at all?
24 **MS. TAMRAT:** I might not need them. I

<p style="text-align: right;">Page 9</p> <p>1 might need to call one of them.</p> <p>2 HEARING OFFICER BATES: Okay. I don't have</p> <p>3 a problem leaving that open since we have to</p> <p>4 come back for a second day. Do you have any</p> <p>5 objection?</p> <p>6 MR. HERBERT: No objection.</p> <p>7 HEARING OFFICER BATES: Okay. The</p> <p>8 witnesses for the record were limited in this</p> <p>9 matter because the Respondent agreed in the</p> <p>10 pre-trial conference to stipulate</p> <p>11 admissibility, authenticity and foundation of</p> <p>12 the photos taken of Officer Lewis which we've</p> <p>13 identified as Superintendent's Group Exhibit 2;</p> <p>14 is that correct, sir?</p> <p>15 MR. HERBERT: Correct.</p> <p>16 MS. TAMRAT: Yes.</p> <p>17 HEARING OFFICER BATES: Your understanding?</p> <p>18 MS. TAMRAT: Yes.</p> <p>19 HEARING OFFICER BATES: By way of</p> <p>20 exhibits -- the older I get, the less I can</p> <p>21 read my own writing.</p> <p>22 I'm going to tender to Counsel</p> <p>23 Hearing Officer's Exhibit 1, which is the</p> <p>24 complimentary and disciplinary history dated</p>	<p style="text-align: right;">Page 11</p> <p>1 battery, 720 ILCS 5/12-3.2(a). Group Exhibit 2</p> <p>2 which is the pictures. Group Exhibit 3,</p> <p>3 Officer Anderson's three IPRA statements.</p> <p>4 Group Exhibit 4, the notice of charges and</p> <p>5 advisement of rights for all three of the IPRA</p> <p>6 statements. And Exhibit 5 is a 911 call; is</p> <p>7 that correct?</p> <p>8 (WHEREUPON, said</p> <p>9 documents were marked as</p> <p>10 Superintendent Exhibit</p> <p>11 Nos. 1 through 5 for</p> <p>12 Identification.)</p> <p>13 MS. TAMRAT: Yes.</p> <p>14 MR. HERBERT: Correct.</p> <p>15 HEARING OFFICER BATES: You have no</p> <p>16 objection to those exhibits; is that correct?</p> <p>17 MR. HERBERT: Correct.</p> <p>18 HEARING OFFICER BATES: Respondent has</p> <p>19 three witnesses, Officer Anderson and two</p> <p>20 mitigation witnesses of character, Officer</p> <p>21 Matthew Jackson and Geraldine Robinson; is that</p> <p>22 correct?</p> <p>23 MR. HERBERT: Correct.</p> <p>24 HEARING OFFICER BATES: Anything that I've</p>
<p style="text-align: right;">Page 10</p> <p>1 July 25, 2014. If you don't mind handing her a</p> <p>2 copy.</p> <p>3 (WHEREUPON, said</p> <p>4 document was marked as</p> <p>5 Hearing Officer Exhibit</p> <p>6 No. 1 for</p> <p>7 Identification.)</p> <p>8 MS. TAMRAT: Thank you.</p> <p>9 HEARING OFFICER BATES: It's been marked</p> <p>10 for identification and will be received into</p> <p>11 evidence as Hearing Officer's Exhibit 1, as</p> <p>12 discussed at the pretrial conference.</p> <p>13 Respondent wishes to have this exhibit</p> <p>14 considered evidence in mitigation and reviewed</p> <p>15 with other exhibits admitted in this case; is</p> <p>16 that correct?</p> <p>17 (WHEREUPON, Hearing</p> <p>18 Officer Exhibit No. 1</p> <p>19 was admitted into</p> <p>20 evidence.)</p> <p>21 MR. HERBERT: That's correct.</p> <p>22 HEARING OFFICER BATES: By way of exhibits,</p> <p>23 the Superintendent has five. Exhibit 1 is the</p> <p>24 relevant criminal statute involving domestic</p>	<p style="text-align: right;">Page 12</p> <p>1 forgotten?</p> <p>2 MS. TAMRAT: I can tender copies of the</p> <p>3 exhibits at this point if there are no</p> <p>4 objections to that.</p> <p>5 HEARING OFFICER BATES: That would be most</p> <p>6 helpful. Ordinarily I'd wait for you to offer</p> <p>7 them, but since they're being stipulated to,</p> <p>8 let's do it now and will be received into</p> <p>9 evidence now. Then we will begin opening</p> <p>10 arguments.</p> <p>11 MS. TAMRAT: So this is Superintendent's</p> <p>12 Exhibit 1.</p> <p>13 HEARING OFFICER BATES: Can I ask you a</p> <p>14 question. How many copies do you have?</p> <p>15 MS. TAMRAT: Multiple. Would you like a</p> <p>16 second one?</p> <p>17 HEARING OFFICER BATES: I'd like a second</p> <p>18 one to take notes off of. Thank you.</p> <p>19 MS. TAMRAT: Then Superintendent's Group</p> <p>20 Exhibit 2 are the pictures. This is</p> <p>21 Superintendent's Group Exhibit No. 2. These</p> <p>22 are the pictures. Would a second copy be</p> <p>23 helpful here as well?</p> <p>24 HEARING OFFICER BATES: Yes, give me a copy</p>

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1 for me to take notes on myself. Thank you. I
2 should have told you that. It's not the first
3 time you've been in front of me.
4 **MS. TAMRAT:** And then we hadn't discussed
5 this. I don't know if it's going to be
6 objectionable, but I guess I can ask Counsel.
7 This is what the evidence technician has
8 written as the company that -- identifying what
9 the pictures were. Since I'm not going to call
10 him, do you mind this exhibit? Do you want to
11 take a look and let me know? I thought it
12 would be helpful because he is not testifying.
13 I can move on to the third one.
14 So this is Superintendent's Exhibit 3-A which
15 is the statement from May 7th. Here are two
16 copies. Did I give you two or three? And then
17 Superintendent's Group Exhibit 3-B is the
18 statement from IPRA 14th, a copy for opposing
19 counsel and copies for Mr. Bates. And then
20 Superintendent's Group Exhibit 3-C is the IPRA
21 statement from April 26th. A copy for opposing
22 Counsel, two copies for Mr. Bates. And then
23 Superintendent's Group Exhibit 4-A is the
24 notice of allegations and waiver for counsel

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1 for the first date. And then Superintendent's
2 Group Exhibit 4-B, allegations for the second
3 IPRA statement. And then Superintendent's
4 Group Exhibit 4-C, the allegations for the
5 third IPRA statement. Then I think next is the
6 911. So the 911 tape is Superintendent's Group
7 Exhibit 5
8 **HEARING OFFICER BATES:** I don't need a copy
9 for me, I need a copy for the file.
10 **MS. TAMRAT:** He has one already.
11 **HEARING OFFICER BATES:** Then keep one and
12 give me one.
13 **MS. TAMRAT:** I don't know which one is the
14 original.
15 **HEARING OFFICER BATES:** Thank you.
16 **MS. TAMRAT:** And then the 911 transcript is
17 Superintendent's Group Exhibit 5-B. Is that
18 objectionable?
19 **MR. HERBERT:** Not objectionable.
20 **HEARING OFFICER BATES:** There was an issue
21 you guys were discussing. Is there -- have you
22 worked it out?
23 **MS. TAMRAT:** We haven't. So we'll just
24 leave it.

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1 **HEARING OFFICER BATES:** So Exhibit 1, which
2 is the statute; Group Exhibit 2, which are the
3 pictures; Group Exhibit 3 comprised of 3-A,
4 statement dated May 7, 2009, 3-B, statement
5 dated April 14th, 2010, and 3-C IPRA statement
6 dated April 26, 2010, along with the
7 corresponding notifications of charges and
8 allegations -- although 4-A is date for taking
9 a informal statement with a request for
10 interview statement report attached as well.
11 As to 4-A, which corresponds with 3-A, and 4-B
12 and 4-C which correspond with 3-B and 3-C,
13 comprise Group Exhibit 4. Group Exhibit 5, 5-A
14 is the CD of the recording and 5-B is the
15 transcript of the recording of the 911 call; is
16 that correct?
17 **MS. TAMRAT:** Yes.
18 **HEARING OFFICER BATES:** Those will be
19 received into evidence. Without objection,
20 Counsel?
21 **MR. HERBERT:** That's correct.
22 (WHEREUPON,
23 Superintendent Exhibit
24 Nos. 1-5 were admitted

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1 into evidence.)
2 **HEARING OFFICER BATES:** All right. Let's
3 proceed to opening.
4 **MS. TAMRAT:** If I may. There's one other
5 thing. When -- before turning over
6 Superintendent's Group Exhibit No. 2, which are
7 the pictures of Officer Lewis, Mr. Herbert had
8 agreed to a protective order, so those were
9 turned over to -- pursuant to a protective
10 order that he had consented to.
11 **HEARING OFFICER BATES:** Is that correct?
12 **MR. HERBERT:** Yes.
13 **MS. TAMRAT:** And that was because of HIPPA
14 implications, because those are pictures that
15 do show some injuries, so it was a
16 HIPPA-protected order that the parties had
17 agreed to. So we would like that to be entered
18 at the Police Board.
19 **HEARING OFFICER BATES:** Why don't you
20 tender that to me. I will take that under
21 advisement. That's not the kind of thing I
22 will rule on without having the chance to look
23 at it.
24 **MS. TAMRAT:** Sure. At the time that I had

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1 sent it to Mr. Herbert, he had signed and given
2 it back to me. I'll give you that copy that he
3 had signed, although the signature appeared at
4 the hearing officer's signature slot. So if
5 you don't mind that, I will tender a copy.
6 **MR. HERBERT:** Just for the record, we don't
7 believe that it is a HIPAA issue, considering
8 it's not medical records, because she never
9 sought treatment. But we have no problem with
10 there being a protective order which is why we
11 didn't object. We have no intention to
12 disclose the photos to anybody.
13 **MS. TAMRAT:** The City's position is
14 injuries such as these are potentially covered,
15 so we'd just like to take the extra -- go the
16 extra mile and do the protective order.
17 **HEARING OFFICER BATES:** What if the case
18 ends up in Circuit Court?
19 Are you intending that by this
20 order that we would not include those pictures?
21 **MS. TAMRAT:** No. We didn't work that out
22 yet. I guess I can --
23 **HEARING OFFICER BATES:** Well, you tried
24 that Martin case in front of me which is why

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1 I'm familiar with the issue.
2 It's one thing to ask for a
3 protective order here, it's another thing to
4 ask us to be sealing something that could end
5 up in the Circuit Court of Cook County, and he
6 has to have the ability to go there and to
7 present all the evidence to review in court, I
8 would think.
9 **MR. HERBERT:** Correct.
10 **MS. TAMRAT:** Yeah. And we didn't ask him
11 this particular one to be sealed. I guess
12 that's something I can come back to.
13 **HEARING OFFICER BATES:** Tell you what, I'm
14 not going to take the time right now to read
15 this. And I'll either be prepared to rule on
16 it when we come back on August 25th or I'll ask
17 the board to rule on it with the case, one of
18 the two.
19 **MS. TAMRAT:** Thank you.
20 **HEARING OFFICER BATES:** So for the third
21 time shall we try opening statement?
22 **MS. TAMRAT:** Yes. Thank you. Honorable
23 members of the Police Board, Hearing Officer
24 Bates, opposing Counsel: The Superintendent

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1 filed charges at the Police Board against
2 Police Officer Maurice Anderson for violations
3 of Rules 1, 2, 8, 9 and 14.
4 The Superintendent is
5 recommending a 45-day suspension in this case.
6 Specifically, Officer Anderson is charged with
7 hitting his wife at the time Police Officer
8 Sharita Lewis.
9 The evidence will show that on
10 October 9th, 2008, following a verbal
11 altercation, Officer Anderson pushed his wife,
12 caused her to fall to the floor, punched her in
13 the stomach, hit her about the head and/or face
14 and/or choked her. The police were called to
15 the scene and an evidence technician took
16 pictures of Officer Lewis' injuries. Officer
17 Lewis did not need to go to the emergency room,
18 nevertheless she did sustain injuries which
19 included swelling and/or bruising on her jaw
20 and mouth area, swelling on her forehead,
21 laceration and/or red marks on her neck.
22 The pictures which have been
23 entered into as Superintendent's Exhibit No. 2
24 will show these injuries.

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1 Officer Anderson completely
2 denies that there was any physical contact with
3 his wife during the verbal exchange that
4 occurred that night.
5 Although Officer Anderson might
6 be counting on what's known as a she said/he
7 said scenario, the evidence that will be
8 presented at this hearing will show more than
9 just Officer Lewis' own testimony. Pictures
10 taken the same night and the observations of
11 the officers who responded to the 911 call of a
12 domestic battery.
13 At the end of the proceedings,
14 the Superintendent will respectfully request
15 that Officer Anderson be suspended for 45 days.
16 Thank you.
17 **HEARING OFFICER BATES:** Thank you. Opening
18 or do you reserve for your case in chief?
19 **MR. HERBERT:** I'll give a brief opening.
20 Good morning, ladies and gentlemen of the
21 Board, Hearing Officer, opposing Counsel: It
22 is my pleasure to represent Maurice Anderson.
23 Maurice Anderson is here before the Board based
24 upon allegations that were made almost six

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1 years ago, October 9th, 2008.

2 The Chicago Police Department was

3 made aware of these allegations on the very

4 same date, almost six years ago. And since

5 that time, what has Maurice Anderson done?

6 Well, he's continued to work every single day

7 as a Chicago police officer. He was not

8 stripped of his police powers. He was not

9 reassigned to a different unit. And what type

10 of work did he do? He did exemplary work,

11 which is demonstrated by his complimentary

12 history in this case.

13 The evidence is going to show

14 that Maurice Anderson was an excellent police

15 officer and should continue to be an excellent

16 police officer without sustaining any

17 discipline in this case.

18 He has over 108 Department

19 awards. And he has zero discipline in this

20 case.

21 What happened on October 9th,

22 2008, really only two individuals that were

23 present can tell what happened, but what I

24 submit is that the Board is going to hear

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1 essentially two different stories.

2 It's obviously going to be the

3 Board's responsibility to determine who is more

4 credible in this case.

5 In this case, it will show that

6 the relationship between Maurice Anderson and

7 the complaining witness was a strained

8 relationship. They had married in 2008 and

9 their divorce became final in November 2010.

10 However, the evidence is going to show that

11 early on in the marriage and certainly around

12 the time of the date in question, the marriage

13 was going through problems.

14 And as a matter of fact, the

15 evidence will show that Mr. Anderson had

16 suggested and initiated divorce proceedings.

17 The evidence will also show on

18 the date in question, Sharita Anderson

19 discovered my client on his cell phone in the

20 basement and she became angry assuming

21 erroneously what we know now, but assuming that

22 he was speaking to another woman, being not

23 faithful in his marriage.

24 Mr. Anderson is a 48-year-old

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1 man. He has a 17-year history on the Chicago

2 Police Department. He's currently single. Has

3 a 12-year-old daughter. He's worked throughout

4 the City of Chicago in various units. He's

5 worked beat cars, tactical teams, gun teams,

6 mission teams. He's worked in plainclothes,

7 he's worked in uniforms. He's a lifelong

8 Chicagoan. Graduate of CVS High School in

9 1983. Earned his degree from Southern Illinois

10 University. Bachelor of arts.

11 Prior to joining the police

12 department, he worked for the U.S. Post Office

13 for a year. He also worked at a market

14 research firm. He did social work for the

15 Chicago Youth Center for four years.

16 And the evidence is going to show

17 that Ms. Anderson's version of the events is

18 simply -- is not true. We're not sure what she

19 is going to say. But I think that at the end

20 of the hearing and after looking at the

21 evidence, we are going to ask, and we believe

22 it will show, we're going to ask the Board to

23 show or to render finding that Ms. Lewis'

24 account simply isn't true, and Mr. Anderson did

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1 nothing wrong on October 9th, 2008. Thank you.

2 **HEARING OFFICER BATES:** Ms. Tamrat, call

3 your first witness, please.

4 **MS. TAMRAT:** Yes. The City would like to

5 call Officer Anderson as an adverse witness.

6 **HEARING OFFICER BATES:** Police Officer

7 Anderson, please have a seat here.

8 Proceed, Counsel.

9 (Witness was duly

10 sworn.)

11 **MAURICE ANDERSON,**

12 called as a witness herein, after having been

13 first duly sworn, was examined and testified as

14 follows:

15 **DIRECT EXAMINATION**

16 **BY MS. TAMRAT:**

17 Q. Good morning, Officer Anderson.

18 A. **Good morning.**

19 Q. As a police officer, how long have you

20 been on the job?

21 A. **17 years.**

22 Q. And what district are you assigned to?

23 A. **Third District.**

24 Q. Going to direct your attention to

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1 October of 2008.
2 In October of 2008, you were a
3 police officer?
4 **A. Yes.**
5 Q. And were you married in October of
6 2008?
7 **A. Yes.**
8 Q. And whom were you married to at that
9 time.
10 **A. Sharita Lewis.**
11 Q. Are you still married to Officer
12 Lewis?
13 **A. No.**
14 Q. In October of 2008, were you and
15 Officer Lewis living in the same household?
16 **A. Yes.**
17 Q. And that was 7654 south Cregier?
18 **A. Cregier, yes.**
19 Q. How do you say it?
20 **A. Cregier.**
21 Q. Could you describe the house?
22 **A. It's a two-level bungalow, three**
23 **bedrooms, two and a half baths.**
24 Q. And there's a basement?

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1 **A. Uh-huh.**
2 Q. And is that a yes for the record?
3 **A. Yes.**
4 Q. And then there's the main level?
5 **A. Yes.**
6 Q. Is there an upstairs?
7 **A. Yes.**
8 Q. Okay. And who owned that house?
9 **A. She did. She does.**
10 Q. She does?
11 **A. Uh-huh.**
12 Q. Okay. And when did you get married
13 with Officer Lewis?
14 **A. July -- I believe it was July 30th of**
15 **2007.**
16 Q. Okay. Now, directing your attention
17 to October 9th of 2008, sometime around 2:15
18 p.m., you were in the basement of that house,
19 correct?
20 **A. Yes.**
21 Q. And at the time there were children in
22 the house; is that correct?
23 **A. Yes.**
24 Q. And how many children were there?

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1 **A. She has three.**
2 Q. And those three are her children only?
3 **A. Yes.**
4 Q. What ages were the children at the
5 time?
6 **A. Jonathan was --**
7 Q. Nine, ten?
8 **A. I believe he was ten. Braden -- I**
9 **believe Braden was six or seven. And Larson**
10 **was -- he might have been almost two.**
11 Q. Now, around 8:15 when you were in the
12 basement on that particular night, you were on
13 your cell phone?
14 **A. I don't know. I don't think it was**
15 **8:15.**
16 Q. What time is your recollection?
17 **A. Well, when I left it was still**
18 **daylight, so I don't know if it was 8:15. I**
19 **don't know if it would have been daylight in**
20 **October at 8:15. I don't know. It may have**
21 **been. Daylight savings time. It may have**
22 **been. I'm not sure of the time.**
23 Q. Approximately sometime that night
24 while you were still in the house, were you in

Page 28

1 the basement on your cell phone?
2 **A. Yes, I was, yes.**
3 Q. And while on your cell phone in the
4 basement, at some point Officer Lewis came to
5 the basement?
6 **A. Yes.**
7 Q. And she heard you on the phone?
8 **A. Well, I was in the basement watching**
9 **television.**
10 Q. Okay. At some point did you -- were
11 you on your cell phone?
12 **A. Yes.**
13 Q. And did Officer Lewis come to the
14 basement?
15 **A. She did, yes.**
16 Q. And she heard you -- or overheard you
17 talking to somebody on the phone?
18 **A. Yes.**
19 Q. And she was not happy about you
20 talking on the phone, was she?
21 **A. She didn't appear to be, no.**
22 Q. She did not appear to be happy?
23 **A. No.**
24 Q. She told you you shouldn't be on the

Page 29

1 phone with another woman in her house, did she
2 say something to that effect?
3 **A. I'm not sure if it was exactly those**
4 **words, because I don't -- I don't remember us**
5 **discussing who I was on the phone with. So I'm**
6 **not sure if it was exactly those words.**
7 Q. So not exactly those words but
8 something to the effect of her expressing her
9 displeasure that you were on the phone with
10 another woman or just unhappy it was another
11 person?
12 **A. I'm not sure if she mentioned**
13 **specifically me being on the phone with another**
14 **woman. She had asked who I was on the phone**
15 **with.**
16 Q. So she did ask you a question about
17 who it was?
18 **A. Yeah.**
19 Q. Okay. And you didn't like the fact
20 that she was demanding to know whom you were on
21 the phone with?
22 **A. Honestly, I didn't like it at all, and**
23 **because of issues we had had prior to that day.**
24 Q. Okay. Did she say something to the

Page 30

1 effect of take your phone and your conversation
2 out of my house? Not those exact words but
3 something to that effect.
4 **A. I don't remember that verbatim.**
5 Q. That's fine. When she was demanding
6 to know who you are on the phone with, did you
7 tell her to stop bothering you?
8 **A. I did. I did.**
9 Q. She was bothering you, right?
10 **A. She at some point -- because the**
11 **conversation had dragged on and on, she -- at**
12 **some point she was bothering me, yes.**
13 Q. And so you and your ex-wife exchanged
14 words at that point?
15 **A. We did. We did.**
16 Q. And would you characterize that as a
17 heated exchange of words?
18 **A. It was heated. There was a lot of**
19 **profanity. There was some name calling on both**
20 **sides.**
21 Q. Was Officer Lewis angry?
22 **A. She appeared to have been angry, yes.**
23 Q. You were angry?
24 **A. I don't know if I was angry. I might**

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1 **have been more bothered about, you know, the**
2 **conversation. I wouldn't necessarily say I was**
3 **angry about it.**
4 Q. But you weren't pleased?
5 **A. I wasn't pleased, no.**
6 Q. She was basically coming to the
7 basement and demanding to know who you were on
8 the phone with?
9 **A. Well, you know, she -- basically, yes.**
10 Q. You were a police officer?
11 **A. I am, yes.**
12 Q. And during this exchange, you pushed
13 her?
14 **A. I didn't push her, no.**
15 Q. Was she yelling at you?
16 **A. We were yelling at each other. A lot.**
17 Q. You caused her to fall to the floor?
18 **A. I did not.**
19 Q. Did she push you back?
20 **A. She didn't push me, no.**
21 Q. Did you punch her in the stomach?
22 **A. I did not.**
23 Q. While you were having this what you
24 characterize as heated exchange --

Page 32

1 **A. I think you characterized it as**
2 **heated.**
3 Q. You agreed with my characterization as
4 a heated exchange?
5 **A. Okay. All right.**
6 Q. Is that a yes?
7 **A. I agree that -- yes, yes.**
8 Q. Okay. So during this heated exchange,
9 did she scream her son's name?
10 **A. No.**
11 Q. Did her son --
12 **A. Which son? No, no.**
13 Q. The oldest would have been --
14 **A. Jonathan.**
15 Q. Did she scream his name?
16 **A. No.**
17 Q. Did she call out his name?
18 **A. Jonathan?**
19 Q. Did she say Jonathan?
20 **A. No.**
21 Q. Okay. So where were the kids while
22 you guys were in the basement?
23 **A. I believe they were on the second**
24 **level upstairs. Probably in their**

Page 33

1 bedroom -- probably watching television.
2 Q. And at some point during this exchange
3 you choked her?
4 A. I did not.
5 Q. Did you punch her about the face?
6 A. I didn't.
7 Q. And the head?
8 A. I didn't.
9 Q. And was she swinging at you?
10 A. No.
11 Q. And did Jonathan yell something to his
12 mom during this exchange?
13 A. No.
14 Q. At some point your ex-wife got away
15 and she ran upstairs?
16 MR. HERBERT: Objection. Form of the
17 question.
18 HEARING OFFICER BATES: Sustained. Please
19 rephrase.
20 BY MS. TAMRAT:
21 Q. At some point did Officer Lewis go
22 from the basement upstairs?
23 A. Well, we had -- you know, during the
24 course of the verbal exchange. I had mentioned

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1 to her that we probably reached the point that
2 the marriage was over. And, you know, it was
3 probably -- we probably reached a point where
4 we should probably terminate the marriage. And
5 because the conversation was heated and it
6 didn't appear as though it was about to end any
7 time soon, I decided to leave.
8 Q. Okay. But that didn't answer my
9 question.
10 My question was: At some point
11 did she leave the basement and go upstairs?
12 A. She followed me to the door. I got up
13 and left, she followed me to the door.
14 Q. Are we talking about the basement door
15 or the front door?
16 A. No, the -- I think I left out of the
17 backdoor because my car was parked in the back.
18 I believe it was parked in the back that day.
19 Q. I'm sorry. Because I'm not familiar
20 with the house. You guys were in the basement.
21 Is there a flight of stairs leading upstairs
22 from the basement to the rest of the house?
23 A. Yes.
24 Q. So you were saying that's not how you

Page 35

1 left the house?
2 A. I'm saying I went up the stairs.
3 Right off of the stairs, if we were walking
4 this way from the basement, it's the kitchen,
5 and I went out through the kitchen door which
6 is what we normally did.
7 Q. Okay. So you were saying that you
8 left the basement before she did and she
9 followed you?
10 A. We pretty much left at the same time.
11 HEARING OFFICER BATES: Sir, I would
12 caution, let her finish her question before you
13 start answering.
14 THE WITNESS: Okay.
15 HEARING OFFICER BATES: Very difficult when
16 you go back and listen to this with two people
17 talking at the same time.
18 THE WITNESS: Okay.
19 HEARING OFFICER BATES: Thank you. Tough
20 on the court reporter also.
21 BY MS. TAMRAT:
22 Q. Are the stairs leading out of the
23 basement wide enough for the both of you?
24 A. Yes, it's a wide staircase that sort

Page 36

1 of, you know, was winding towards the bottom.
2 Q. And when you got to the kitchen, were
3 any of the children in the kitchen?
4 A. No.
5 Q. And you said you left through the
6 kitchen door?
7 A. Normally I will park in the back
8 when -- you know, and I don't remember exactly
9 that day, but I would ordinarily park in the
10 back, you know, when I arrived home. So I'm
11 assuming I went out the back -- you know, that
12 day to where my car was.
13 Q. So you have no specific recollection
14 that day?
15 A. I don't, I don't.
16 MR. HERBERT: Let her finish the question.
17 Okay?
18 THE WITNESS: Okay.
19 BY MS. TAMRAT:
20 Q. And when you say backdoor, you're
21 referring to the kitchen door?
22 A. Yes.
23 Q. During this exchange, isn't it true
24 that Officer Lewis picked up a fireplace poker

Page 37

1 and hit you?
2 **A. That's not true.**
3 Q. Are you aware that one of the children
4 had called the police?
5 **A. I wasn't aware -- I wasn't aware that**
6 **day, no.**
7 Q. Did you subsequently become aware?
8 **A. At the IPRA -- when I went down for**
9 **the IPRA hearing, yes.**
10 Q. Have you listened to the 911 tape?
11 **A. No, no.**
12 Q. Are you aware that the police did
13 respond to the house, did come to the house?
14 **A. I was made aware when I returned to**
15 **work.**
16 Q. The day they arrested you?
17 **A. Yes.**
18 Q. So that's I think October 13th?
19 **A. I believe so, yes.**
20 Q. Okay. And are you also aware that an
21 evidence technician had taken pictures of your
22 wife?
23 **A. I was made aware of that at the IPRA**
24 **hearing.**

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1 Q. When the IPRA investigators asked you
2 questions, did they show you the pictures that
3 were taken that night?
4 **A. I honestly don't remember. I don't**
5 **remember.**
6 Q. Okay. We can do that now. I'm going
7 to show your client Superintendent's Group
8 Exhibit No. 2. Please take a look. And I will
9 direct your attention to the pictures that are
10 numbered at the bottom-right-hand corner. If
11 you can go to number two.
12 **MR. HERBERT:** Just for the record, you
13 didn't give me a numbered copy, so as long as
14 you can just show me what picture and I can go
15 to it.
16 **MS. TAMRAT:** Can I borrow your copy for now
17 and I'll give it back?
18 **HEARING OFFICER BATES:** You may use that
19 copy to follow along. The page numbers are in
20 the lower right-hand corner.
21 **MR. HERBERT:** Thank you.
22 **BY MS. TAMRAT:**
23 Q. So, Officer Anderson, number two, do
24 you recognize this picture?

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1 **A. Yes.**
2 Q. What is the picture?
3 **A. It's a picture of Sharita Lewis.**
4 Q. And number three?
5 **A. It's another picture of Sharita Lewis.**
6 Q. And in this picture we see -- this is
7 a picture of her face, her right side of her
8 face?
9 **A. Yes.**
10 Q. Do you see the swelling around her
11 right jaw, her mouth area, redness or swelling?
12 **A. I don't see any swelling, no.**
13 Q. You don't see any swelling?
14 **A. No.**
15 Q. And then the next page.
16 **HEARING OFFICER BATES:** Counsel, rather
17 than the next page, continue to use numbers.
18 **BY MS. TAMRAT:**
19 Q. Number four. This is a picture of
20 your ex-wife's neck on the left side?
21 **A. Yes.**
22 Q. Do you see the red marks?
23 **A. Yes.**
24 Q. Do you know how she got those red

Page 40

1 marks?
2 **A. I don't.**
3 Q. Page five. And this is her -- again,
4 face of your ex wife. This is on the left
5 side?
6 **A. Yes.**
7 Q. Do you see the swelling on her
8 forehead?
9 **A. Underneath her hand there appears to**
10 **be -- on the left side of her head, there**
11 **appears to be a mark underneath her hand there.**
12 Q. Do you know how that got there?
13 **A. I don't. I don't.**
14 Q. Okay. So when you left the house that
15 night, did she have these already?
16 **A. Did she have what?**
17 Q. This mark on her head.
18 **A. I don't recall.**
19 Q. You don't remember?
20 **A. I don't remember, no.**
21 Q. And then number six, please. Again,
22 number six, we do see -- do you see that bump
23 on her forehead?
24 **A. I do.**

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1 Q. Was that present on her head when you
2 left her that night?
3 A. **I don't recall if it was.**
4 Q. Page seven.
5 A. **Uh-huh.**
6 Q. Do you recognize this picture?
7 A. **Well, it looks like a wall.**
8 Q. As part of the house?
9 A. **Yes.**
10 Q. What part of the house is this?
11 A. **I'm not sure.**
12 Q. Do you recognize the door?
13 A. **It looks like the front door.**
14 Q. The front door?
15 A. **Uh-huh.**
16 Q. And then eight, do you recognize that?
17 A. **I don't know what that is.**
18 Q. Have you ever seen it in the house?
19 A. **No. I might have seen it. Just**
20 **looking at this photo, I don't know what that**
21 **is.**
22 Q. Do you remember if you had this in
23 your household when you were living with
24 Sharita Lewis?

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1 A. **No. I don't know what this is.**
2 Q. You don't know what that is?
3 A. **No.**
4 Q. Okay. Page nine. Is this also the
5 front door?
6 A. **That's the front door.**
7 Q. Okay. And then do you see the same
8 thing that we saw on page eight, a better view
9 of it on page nine, is that like a candlestick
10 holder?
11 A. **Okay. I see it now.**
12 Q. Do you remember that being in the
13 house?
14 A. **I honestly don't.**
15 Q. That's fine if you don't.
16 A. **I honestly don't.**
17 Q. Okay. We'll go to page ten. Does
18 that mean anything? Does it look like any
19 part --
20 A. **I'm not sure what that is.**
21 Q. We'll skip page ten. How about page
22 11.
23 A. **It looks like another wall.**
24 Q. Is this also the front door or

Page 43

1 basement door?
2 A. **No, that doesn't look like the front**
3 **door. This might be the basement. Might be a**
4 **wall in the basement. I'm not sure.**
5 Q. Okay. How about 12?
6 A. **It looks like another wall.**
7 Q. Is that the basement?
8 A. **It could be the basement. It could**
9 **be. Most of the rooms in the house are painted**
10 **white, so that's why I'm not -- you know, I'm**
11 **not very -- I'm not very certain about which**
12 **room, but it could be the basement.**
13 Q. Page 13.
14 A. **That looks like the front door.**
15 Q. How about page 14.
16 A. **14 is the basement door.**
17 Q. And is this the door that -- if you
18 open it, there's the staircase and it leads to
19 the upstairs?
20 A. **No, this is the basement door. This**
21 **opens to the backyard.**
22 Q. You were interviewed by the
23 Independent Police Review Authority about
24 allegations that your wife had made?

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1 A. **Yes.**
2 Q. And you were informed that she alleged
3 that you hit her the night of October 9th?
4 A. **Yes.**
5 Q. And you were interviewed on these
6 different dates? If you remember.
7 A. **I don't remember how many times I was**
8 **interviewed.**
9 Q. But in summary, when you were
10 interviewed by IPRA, you told them like you did
11 today that there was no physical contact
12 between the two of you?
13 A. **Right.**
14 Q. When the incident happened on October
15 9th of 2008 or when the exchange occurred,
16 according to your testimony, when the exchange
17 occurred on October 9th, 2008, Officer Lewis
18 and you were married and still living together?
19 A. **Yes.**
20 Q. And then after that did you reconcile
21 and continue to live together?
22 A. **No, we had -- I want to say for nearly**
23 **a year we weren't together, like maybe 11**
24 **months. May have been a year. May have been a**

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1 year.
2 Q. You're saying a year after this
3 incident?
4 A. Yes.
5 Q. Okay. And then after nearly a year
6 were you back together in the same house?
7 A. Yes. She asked me to, you know, to
8 restart the marriage and come back.
9 Q. She asked you to come back?
10 A. Uh-huh.
11 Q. Is that yes for the record?
12 A. Yes, yes.
13 Q. Okay. On October 14th, 2010, which is
14 one of the dates that you gave your statement
15 to IPRA, and I can show you if you want the
16 statement, on that date, you were -- you had
17 been separated? Do you recall? You were still
18 married but had been separated?
19 A. October 14th.
20 Q. Of 2010.
21 A. Yes.
22 Q. The first day that you had given your
23 statement to IPRA -- and if you would like to
24 see your statement, I can show it to you.

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1 Would you like to see it?
2 A. Yes.
3 MR. HERBERT: If I can -- I'm going to make
4 an objection. Is she impeaching him? If she
5 is then I --
6 MS. TAMRAT: No, I'm not impeaching him.
7 HEARING OFFICER BATES: How about date and
8 exhibit number for clarification.
9 MS. TAMRAT: Yes. So Superintendent's
10 Group Exhibit 3-A, which is the IPRA statement
11 from May 7th of 2009.
12 HEARING OFFICER BATES: Okay.
13 MR. HERBERT: Is there a question pending
14 about this?
15 MS. TAMRAT: I'm trying to establish
16 whether or not they were married at the
17 different times he had given a statement.
18 HEARING OFFICER BATES: Why don't you ask
19 him if he was still married on that date.
20 MS. TAMRAT: I asked --
21 HEARING OFFICER BATES: I don't think you
22 did that.
23 MS. TAMRAT: That's not what you asked.
24 BY MS. TAMRAT:

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1 Q. Okay. Were you married and still
2 living together on May 7th of 2009?
3 A. We were married. We weren't -- if I
4 remember right, we weren't -- I don't remember
5 the day specifically.
6 Q. I'm sorry. That's why I asked if I
7 could show him the statement.
8 HEARING OFFICER BATES: I understand, but
9 you hadn't established a basis for refreshing
10 his recollection, Counsel, because you did not
11 use the date, you just said one of his
12 statements. Okay. You can go ahead and show
13 him the document now, I think.
14 MR. HERBERT: No objection.
15 MS. TAMRAT: Thank you.
16 THE VIDEOGRAPHER: Off the record. Just
17 changing tape.
18 (Brief pause.)
19 HEARING OFFICER BATES: You may proceed,
20 Counsel.
21 BY MS. TAMRAT:
22 Q. Officer Anderson, if I may direct your
23 attention to page two of the exhibit that you
24 have.

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1 A. Okay.
2 Q. And towards the middle of the page,
3 there's a question and answer regarding the
4 current status of your relationship.
5 MR. HERBERT: I'm sorry.
6 MS. TAMRAT: There are no numbers, but
7 towards the middle.
8 MR. HERBERT: Okay.
9 BY MS. TAMRAT:
10 Q. Question number three.
11 HEARING OFFICER BATES: Counsel, for the
12 record, why don't you just tell him what the
13 question asks.
14 BY MS. TAMRAT:
15 Q. The question asked, what is the
16 current status of your relationship with your
17 spouse Officer Sharita Lewis Anderson, and you
18 answered, "We are married and still living
19 together within the same household."
20 A. Okay.
21 Q. Does that refresh your recollection
22 that on the date of May 7th of 2009 you were
23 married and living together?
24 A. Okay.

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1 Q. Does it, yes or no? Does it refresh
2 your recollection that's what was the case?
3 A. Yes.
4 MR. HERBERT: And I would just submit it's
5 not impeaching.
6 MS. TAMRAT: I wasn't trying to impeach
7 him.
8 HEARING OFFICER BATES: She was trying to
9 refresh his recollection, Counsel, not impeach
10 him, and she has done that successfully given
11 his answer. You may proceed.
12 BY MS. TAMRAT:
13 Q. And then I'm going to ask you -- then,
14 do you remember in April of 2009 if you
15 were -- in April of 2009, if you were married
16 and still living together as you were on May of
17 2009?
18 A. We were married. I don't know if I
19 was living in the house. I don't recall.
20 Q. That's fine. I have no further
21 questions for Officer Anderson.
22 HEARING OFFICER BATES: All right. Do you
23 want to question him now or do you want to
24 wait? Your call.

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1 MR. HERBERT: Maybe I'll wait. If we can
2 take a quick break so I can --
3 HEARING OFFICER BATES: You're going to
4 call your next witness?
5 MS. TAMRAT: And I just have one.
6 HEARING OFFICER BATES: One more today?
7 MS. TAMRAT: Yes.
8 HEARING OFFICER BATES: We'll take a
9 five-minute recess. We'll come back at 11:30.
10 (Recess.)
11 HEARING OFFICER BATES: Would you call your
12 next witness, please.
13 MS. TAMRAT: The Superintendent next calls
14 Officer Samantha Moore.
15 (Witness was duly
16 sworn.)
17 SAMANTHA MOORE,
18 called as a witness herein, after having been
19 first duly sworn, was examined and testified as
20 follows:
21 HEARING OFFICER BATES: I'm going to need
22 you to speak loudly so I can hear you.
23 THE WITNESS: Okay.
24 HEARING OFFICER BATES: You may proceed.

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1
2 DIRECT EXAMINATION
3 BY MS. TAMRAT:
4 Q. If you can please state your full name
5 and spell it for the record.
6 A. Samantha Moore. S-A-M-A-N-T-H-A.
7 M-O-O-R-E.
8 Q. You are a police officer?
9 A. Yes.
10 Q. How long have you been a police
11 officer?
12 A. Nine and a half years.
13 Q. And what district are you assigned to?
14 A. I'm assigned to the third district.
15 Q. And where are you currently detailed?
16 A. Headquarters, unit 166.
17 Q. I'm going to direct your attention to
18 October of 2008.
19 In October of 2008, which
20 district were you assigned to?
21 A. Fourth district.
22 Q. And could you describe what your basic
23 duties and responsibilities were at the time?
24 A. Basically a patrolwoman. Patrol the

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1 area, assist officers and citizens, generate
2 reports when necessary, patrol the area.
3 Q. And that includes responding to calls?
4 A. Correct.
5 Q. Directing your attention specifically
6 to October 9th of 2008, were you working that
7 day?
8 A. Yes.
9 Q. And you were assigned to which shift
10 or which watch?
11 A. Third watch.
12 Q. And what hours are those?
13 A. At the time I believe it was 1600 to
14 maybe 0030 hours.
15 Q. So that would be from 4:00 p.m. to --
16 A. 12:30.
17 Q. 12:30. And what was -- who was your
18 regular partner at the time?
19 A. Officer Sandy Yancy.
20 Q. October 9th of 2008, approximately
21 around 8:15 p.m., did you receive a call?
22 A. Yes, I'm sure I did.
23 Q. Was this a call regarding a domestic
24 battery?

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1 A. Yes.
2 Q. And how was it that you got the call?
3 A. Via dispatch.
4 Q. Okay. And do you recall what the
5 address was for the domestic?
6 A. It was roughly 76th and Cregier. It
7 was the block of 76th and Cregier. 76th and
8 Cregier?
9 Q. Did you respond to the call?
10 A. Yes.
11 Q. And was your partner with you?
12 A. Yes.
13 Q. How soon after getting the call from
14 dispatch did you arrive at the residence?
15 A. I'm sure it was almost immediately.
16 It was a domestic. We had to respond soon.
17 Q. Okay. Once you got to the address,
18 what did you do?
19 A. Well, of course we knocked on the door
20 and whoever made the call answered and we went
21 in.
22 Q. And in this particular case who
23 answered the door?
24 A. Sharita Lewis.

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1 Q. And did you know Sharita Lewis before
2 then?
3 A. Yes.
4 Q. And how do you know her?
5 A. We went through the academy together.
6 Q. So as a police officer?
7 A. Yes.
8 Q. Okay. Did you gain entrance to the
9 residence?
10 A. Yes.
11 Q. And did Officer Lewis tell you what
12 happened?
13 A. Yes.
14 Q. And at the time that you arrived at
15 the house, was her husband in the house?
16 A. No.
17 Q. Did you see any children in the house?
18 A. No.
19 Q. Did you observe any marks or injuries
20 on Officer Lewis?
21 A. Yes.
22 Q. Could you describe?
23 A. Well, she had a couple of scratches on
24 her neck and swelling to the forehead and

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1 bruising around her mouth.
2 Q. Did you call for an evidence
3 technician to take any pictures?
4 A. Yes.
5 Q. And is that regular practice to call
6 an evidence technician in these cases?
7 A. Yes, especially a domestic involving a
8 police officer.
9 Q. I'm going to show Officer Moore what
10 has been entered as Superintendent's Group
11 Exhibit No. 2.
12 I'm going to direct your
13 attention to number two. Do you recognize this
14 picture?
15 A. Yes.
16 Q. What is it?
17 A. A picture of Sharita Lewis.
18 Q. And the next picture?
19 A. Same thing.
20 Q. Is this picture how Officer Lewis
21 appeared the night that you responded to her
22 house?
23 A. Yes.
24 Q. And what do you see on this picture,

Page 56

1 number three?
2 A. She has slight bruising to the right
3 cheek.
4 Q. And that's around her jaw and mouth
5 area?
6 A. Yes.
7 Q. What about the fourth picture?
8 A. Scratches about the neck.
9 Q. And did you -- is this consistent with
10 what you observed the night you responded to
11 her house?
12 A. Yes.
13 Q. Number five, do you recognize that?
14 A. Yeah, the swelling on her forehead.
15 Q. Is this consistent with what you
16 observed the night you responded to her house?
17 A. Yes.
18 Q. And number six?
19 A. Same, swelling.
20 Q. Swelling on her forehead?
21 A. Yes.
22 Q. Is this consistent with what you
23 observed the night of -- the night you
24 responded to her house?

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1 A. Yes.
2 Q. Do pictures three through six, do they
3 accurately show the condition that Officer
4 Lewis was in when you responded to her house on
5 October 9th of 2008?
6 A. Yes.
7 Q. When you saw Officer Lewis that night,
8 what was her demeanor?
9 A. She was calm and upset.
10 Q. Upset and calm?
11 A. Uh-huh.
12 MS. TAMRAT: I have nothing further.
13 HEARING OFFICER BATES: Cross.
14 MR. HERBERT: Briefly.
15 CROSS-EXAMINATION
16 BY MR. HERBERT:
17 Q. Good morning. How are you?
18 A. I'm all right.
19 Q. Good. You said that you and Sharita
20 Lewis went through the academy together?
21 A. Yes.
22 Q. Were you friends with her back in
23 2008?
24 A. Yes.

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1 Q. And my client, you don't know my
2 client, correct?
3 A. No.
4 Q. And prior to you seeing Ms. Lewis on
5 October 9th of 2008, do you remember when it
6 was that you saw Ms. Lewis prior to that?
7 A. No. It was often though.
8 Q. Okay. Would it have been within days?
9 A. No.
10 Q. Okay. Longer than that?
11 A. Yes.
12 Q. Weeks?
13 A. Yes.
14 Q. Possibly months?
15 A. Possibly.
16 Q. Okay. And you were asked about some
17 of the photos and how she had -- photos
18 accurately depicted how she looked that evening
19 that you arrived, correct?
20 A. Correct.
21 Q. Do you have any independent knowledge
22 about how she sustained those photos?
23 A. I mean as far as what she said to me?
24 Q. Aside from that, any information

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1 about -- I mean you certainly didn't witness
2 any altercation between her and anybody,
3 correct?
4 A. Correct.
5 Q. You requested an evidence technician?
6 A. Yes.
7 Q. And that's routinely done whenever
8 there's allegations about domestic violence
9 between two police officers?
10 A. Yes. That's pretty much with anybody.
11 If it's any physical signs of abuse, we have to
12 call for an evidence tech.
13 MR. HERBERT: Okay. Nothing further.
14 HEARING OFFICER BATES: Redirect?
15 MS. TAMRAT: No.
16 HEARING OFFICER BATES: Okay. You may be
17 excused. Before you step down, unclip the
18 microphone. And if you'd hand that exhibit
19 packet back to Ms. Tamrat as you step down, I'd
20 appreciate it.
21 (Witness Excused.)
22 HEARING OFFICER BATES: Any additional
23 witnesses?
24 MS. TAMRAT: Not today.

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1 HEARING OFFICER BATES: On the 9th you'll
2 be calling Officer Lewis at -- and possibly
3 either Sergeant Rios or Spellman, if you need
4 them or have you decided?
5 MS. TAMRAT: I don't know yet.
6 HEARING OFFICER BATES: Okay. All right.
7 Counsel.
8 MR. HERBERT: I have a character witness
9 coming at noon, and I scheduled the other one
10 for 1:00 o'clock, but we're trying to push that
11 one up.
12 HEARING OFFICER BATES: So what's your
13 preference, do you want to call him on direct
14 at noon -- I mean you want to break for lunch
15 now?
16 MR. HERBERT: Here's my position: I have
17 to recall him anyway. All I was going to ask
18 today is background questions. I'd rather do
19 it all at once, if that's acceptable.
20 HEARING OFFICER BATES: Is that okay with
21 you?
22 MS. TAMRAT: Absolutely.
23 HEARING OFFICER BATES: It's a quarter to
24 12:00 o'clock now. What's your preference?

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1 You got somebody coming at noon and somebody
2 coming at 1:00 o'clock. Do you want to come
3 back at 12:30?
4 **MR. HERBERT:** 12:30 is fine with me,
5 whatever works for everyone else.
6 **MS. TAMRAT:** That's fine.
7 **HEARING OFFICER BATES:** We will be in
8 recess until 12:30.
9 (Recess.)
10 **HEARING OFFICER BATES:** Mr. Herbert, will
11 you call your first witness, please.
12 **MR. HERBERT:** Sure. I'm going to call
13 Officer Jackson. I don't believe he's been
14 sworn yet.
15 **HEARING OFFICER BATES:** Swear the witness,
16 please.
17 (Witness was duly
18 sworn.)
19 **MATTHEW JACKSON,**
20 called as a witness herein, after having been
21 first duly sworn, was examined and testified as
22 follows:
23 **HEARING OFFICER BATES:** You may proceed.
24 **DIRECT EXAMINATION**

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1 **BY MR. HERBERT:**
2 Q. Good afternoon, sir, how are you?
3 **A. Outstanding.**
4 Q. Please introduce yourself, spell your
5 first and last name.
6 **A. Matthew Jackson. First name is**
7 **spelled M-A-T-T-H-E-W.**
8 Q. And your last name?
9 **A. J-A-C-K-S-O-N.**
10 Q. And, Mr. Jackson, how old of a man are
11 you?
12 **A. 45.**
13 Q. Are you married?
14 **A. Yes.**
15 Q. Do you have children?
16 **A. I have three.**
17 Q. Okay. And how are you currently
18 employed?
19 **A. Chicago police officer. Chicago**
20 **Police Department.**
21 Q. How long have you been a Chicago
22 police officer?
23 **A. 20 years in October.**
24 Q. And what position do you currently

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1 hold for the Chicago Police Department?
2 **A. Police officer.**
3 Q. Where do you work?
4 **A. I work in doc services. We process**
5 **evidence throughout the City of Chicago.**
6 Q. And you know my client Maurice
7 Anderson, correct?
8 **A. Yes.**
9 Q. How is it that you know Maurice?
10 **A. From the job.**
11 Q. Okay. And when you say the job, are
12 you talking the police department?
13 **A. Yes.**
14 Q. How long have you known Maurice?
15 **A. Oh, approximately 16, 17 years.**
16 Q. Okay. Have you worked with Maurice?
17 **A. Yes, yes.**
18 Q. And in the same district, the same
19 area?
20 **A. Yes, years ago we worked together in**
21 **the 11th District. 1989, '90.**
22 Q. Have you kept in relative constant
23 contact with him through the 16, 17 years that
24 you've known him?

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1 **A. Yes.**
2 Q. And have you been able to determine
3 what type of character Maurice has?
4 **A. Oh, his character is phenomenal. He**
5 **is on his -- he is hard working, strong moral**
6 **and ethical values.**
7 Q. And have you spoken to any other
8 fellow police officers regarding the reputation
9 of Maurice?
10 **A. Yes.**
11 Q. What type of reputation does he have
12 amongst your fellow police officers?
13 **A. Honest, hard working, excellent person**
14 **to have as a partner, back you up.**
15 **MR. HERBERT:** Thank you. Nothing further.
16 There may be some cross.
17 **HEARING OFFICER BATES:** Cross?
18 **MR. HERBERT:** I have no questions.
19 **HEARING OFFICER BATES:** Okay. You may be
20 excused. Please don't forget to unclip that
21 microphone so you don't rip it off.
22 **THE WITNESS:** Got you.
23 (Witness Excused.)
24 **HEARING OFFICER BATES:** Do you have another

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1 character witness?
2 **MR. HERBERT:** I'm going to check and see .
3 If not, I'm going to cancel it.
4 **HEARING OFFICER BATES:** So your 12:00
5 o'clock did not show?
6 **MR. HERBERT:** She sent a text at 11:30 and
7 said she was on her way.
8 **HEARING OFFICER BATES:** We'll wait for her.
9 **MR. HERBERT:** We can bring her later.
10 (Brief pause.)
11 **HEARING OFFICER BATES:** Mr. Herbert, would
12 you call your next witness.
13 **MR. HERBERT:** I'm calling Geraldine
14 Robinson.
15 **HEARING OFFICER BATES:** Court reporter,
16 please swear the witness.
17 (Witness was duly
18 sworn.)
19 **GERALDINE ROBINSON,**
20 called as a witness herein, after having been
21 first duly sworn, was examined and testified as
22 follows:
23 **DIRECT EXAMINATION**
24 **BY MR. HERBERT:**

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1 Q. Good afternoon, ma'am. How are you?
2 A. Real good. How are you?
3 Q. Good. Thank you. Please introduce
4 yourself, spell your first and last name for
5 the court reporter.
6 A. Sure. Geraldine Robinson.
7 **G-E-R-A-L-D-I-N-E. R-O-B-I-N-S-O-N.**
8 Q. And, Ms. Robinson, do you live in the
9 Chicago-land area?
10 A. Yes, on the south side, Chicago,
11 Illinois.
12 Q. And are you currently employed?
13 A. I'm retired.
14 Q. And from where are you retired?
15 A. The Chicago Police Department.
16 Q. Okay. How long were you a Chicago
17 police officer?
18 A. Close to 31 years.
19 Q. And in what areas of the City did you
20 work, patrol?
21 A. Mostly the south side and the
22 southwest side of the City.
23 Q. Okay. And you know my client
24 Mr. Maurice Anderson?

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1 A. Yes.
2 Q. How long have you known Maurice?
3 A. A little over ten years.
4 Q. And how is it that you know him?
5 A. My last district before retiring was
6 the Sixth district at 7808 South Halsted
7 Street, and I know him as a coworker.
8 Q. Okay. And what year did you retire?
9 A. 2011, August 2011.
10 Q. Thank you. And during the time that
11 you worked in the Sixth District, did you work
12 with Maurice?
13 A. Yes, we've had the opportunity to go
14 on several assignments together.
15 Q. Okay. And did you have the
16 opportunity to observe his -- the quality of
17 his work?
18 A. Yes, absolutely.
19 Q. As well as his work habits?
20 A. Absolutely.
21 Q. How would you characterize him as a
22 worker?
23 A. Very professional. Very respectful.
24 Both verbally and in his actions.

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1 Q. Okay. How about as far as his
2 character goes, have you had the opportunity to
3 determine his character?
4 A. Sure. We've gotten to know each other
5 fairly well as workers and have become friends
6 as many of us had become friends. He's always
7 respectful. He's always been very friendly.
8 Always been very helpful. Always been very
9 honest. And forthcoming.
10 Q. When you say respectful, would you
11 characterize how he is? To whom is he
12 respectful?
13 A. Well, to everyone, the citizens on the
14 street, as well as other officers. And even
15 when things were hairy or got kind of difficult
16 for all of us as officers, he seemed to
17 maintain his cool, you know. I didn't hear him
18 curse. I never saw him put his hands on
19 anyone. He never got violent. He never got
20 abusive. If he got into a disagreement with
21 someone -- in most instances, if he could not
22 maintain a level of civility, he would walk
23 away. Now, that's one of the things I do know
24 about him. He will walk away.

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1 Q. And then in closing, as far as his
2 reputation amongst his coworkers, how would you
3 characterize his reputation?

4 A. The ones that I know, everybody likes
5 him, everybody respects him. There have been
6 no problems.

7 MR. HERBERT: Great. Nothing further.

8 HEARING OFFICER BATES: Cross?

9 MS. TAMRAT: Yes, briefly.

10 **CROSS-EXAMINATION**

11 **BY MS. TAMRAT:**

12 Q. Ms. Robinson, you said you worked with
13 him in the 11th District?

14 A. Yes, we've had an opportunity to go on
15 several assignments together.

16 HEARING OFFICER BATES: Hold on a second.
17 You have to let her finish asking the question
18 before you --

19 THE WITNESS: I apologize. I'm sorry.

20 HEARING OFFICER BATES: Thank you.

21 **BY MS. TAMRAT:**

22 Q. Did you work as partners?

23 A. Well, the shift that we work on, which
24 was days, you don't have a partner, you work

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1 Q. How long were you both in the Sixth
2 District?

3 A. I was there a little over ten years,
4 and I would say he was probably there anywhere
5 from seven to ten years.

6 MS. TAMRATA: I have nothing further.

7 HEARING OFFICER BATES: Any redirect?

8 MR. HERBERT: Nothing.

9 HEARING OFFICER BATES: Thank you for your
10 time, ma'am. Unclip yourself before you stand
11 up.

12 (Witness Excused.)

13 HEARING OFFICER BATES: I had an
14 opportunity to look at the protective order
15 while we were on break, and I'm going to strike
16 that it would be ruled upon on August 25th or
17 with the case, and I'm going to enter the
18 protective order, okay, on today's date.

19 I think if the case goes over to
20 the Circuit Court, the pictures would just be
21 under seal.

22 So for our purposes, the order is
23 adequate.

24 I note for the record that

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1 99, unless you're training someone, and that
2 would be the only opportunity that you would
3 work with someone. Or if you worked the
4 wagon -- I'm sorry, that's me. Or you would
5 work the wagon. If you worked the wagon,
6 that's when you would have the opportunity to
7 work together. He and I did not work as
8 partners.

9 HEARING OFFICER BATES: We're going to stop
10 for a second. Could you turn that off or put
11 it on vibrate.

12 THE WITNESS: Yes, sir, I'll turn it
13 completely off. It's off.

14 HEARING OFFICER BATES: Thank you.
15 Proceed.

16 **BY MS. TAMRAT:**

17 Q. Okay. So how long were you in the
18 11th District?

19 A. It's the Sixth District.

20 Q. I'm sorry.

21 A. That's okay.

22 Q. You were in the Sixth District
23 together?

24 A. Yes.

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1 Mr. Herbert signed it in the incorrect spot,
2 which was I think what the Superintendent's
3 Counsel was trying to point out to me, so I
4 have signed it in blue ink as opposed to black
5 ink and put today's date under my signature. I
6 will not strike his signature. We will let the
7 record reflect his signature indicates an
8 assent to the order. Is that correct, sir?

9 MR. HERBERT: That is correct.

10 HEARING OFFICER BATES: I take it you do
11 not want to call Mr. Anderson now, you would
12 prefer to call him on the 8th of September.

13 MR. HERBERT: Yes, I think it makes more
14 sense because I have to recall him that day
15 anyway.

16 HEARING OFFICER BATES: When we come back,
17 we will go back to the Superintendent's case in
18 chief. That's where we will begin, and it will
19 be Officer Lewis or one of the two witnesses
20 who -- I will call it the IPRA, Sergeant Rios
21 or Spellman from IAD. Is that correct? Am I
22 remembering that correctly, one of the two of
23 them?

24 MS. TAMRAT: Yes.

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1 **HEARING OFFICER BATES:** And Officer Lewis?
2 **MS. TAMRAT:** Yes, absolutely, absolutely.
3 **HEARING OFFICER BATES:** Then we will go to
4 your case in chief. And any rebuttal witness
5 that you would have thereafter.
6 I have a concern that you
7 probably can read my mind on, and that is I
8 don't know the nature of the medical condition
9 involving Officer Lewis. I don't believe that
10 was detailed in your motion, nor should it be.
11 Nor do I care to know.
12 But just for purposes of
13 planning, is it likely that we're going to
14 proceed on the 8th of September?
15 **MS. TAMRAT:** Yes.
16 **HEARING OFFICER BATES:** Anything else?
17 **MS. TAMRAT:** If I can just make a point on
18 the record regarding the character evidence,
19 and I know this was raised at the prehearing,
20 that it is going to be considered only after a
21 finding on guilt.
22 **HEARING OFFICER BATES:** No, that is not
23 accurate. That is not accurate.
24 To the extent that you are

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1 objecting to the evidence being received with
2 all of the other exhibits, I'm going to
3 overrule that objection.
4 I didn't understand that to be
5 what you were doing, but your comment leads me
6 to believe that you reasserting the objection
7 that you initially asserted at the pre-trial
8 conference.
9 **MS. TAMRAT:** If I remember correctly, you
10 had agreed with me that it would only be
11 considered for purposes of mitigation and not
12 for purposes of determining guilt on the
13 charges. I believe you did agree with me on
14 that point at the prehearing conference.
15 **HEARING OFFICER BATES:** The question is --
16 the question is, when does the Board get the
17 evidence. Does the Board look at it only if
18 there's a finding of guilt, which is what you
19 had suggested, or does the Board get it with
20 all of the other exhibits for its
21 consideration? And -- hold on one second. I
22 just want to look at my notes and to restate
23 the question as I actually posed it this
24 morning.

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1 The question that I asked the
2 Respondent was does the Respondent wish to have
3 this exhibit, being Hearing Officer Exhibit 1,
4 considered evidence in mitigation and reviewed
5 by the Board with other exhibits admitted into
6 evidence in this case, or does the Respondent
7 wish to have the Board review this exhibit if,
8 and only if, the Board finds the Respondent
9 guilty of one or more charges? I believe the
10 response was affirmative to the first part of
11 the question, that Respondent wishes to have
12 the exhibit considered evidence in mitigation
13 and reviewed by the Board with the other
14 exhibits admitted into evidence in this case;
15 is that correct, sir?
16 **MR. HERBERT:** That's correct.
17 **HEARING OFFICER BATES:** So --
18 **MS. TAMRAT:** I guess I should make my
19 concern clear for the record.
20 **HEARING OFFICER BATES:** Yes.
21 **MS. TAMRAT:** So basically what I'm saying
22 is that the evidence that was presented here
23 today shouldn't be considered when the Board is
24 trying to determine whether or not officer

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1 Anderson actually hit his wife. That's
2 not -- should not be considered. That's the
3 objection --
4 **HEARING OFFICER BATES:** I understand that
5 to be an objection that you are now raising.
6 **MS. TAMRAT:** That I raised at the
7 prehearing.
8 **HEARING OFFICER BATES:** I thought you had
9 withdrawn that objection until the question
10 that you are just raising now, which is my
11 point. You are re-raising that objection?
12 **MS. TAMRAT:** My understanding at the
13 prehearing was that you agreed it would only be
14 considered for mitigation. And mitigation
15 comes into -- if I may clarify. Mitigation, as
16 I understand it, comes into play once there's a
17 finding that someone is guilty and you are
18 determining what the penalty is.
19 **HEARING OFFICER BATES:** Part of the problem
20 here is that the rules seem to contemplate --
21 admittedly I am relatively new at the Police
22 Board hearing cases. This is my third hearing.
23 But the rules seem to contemplate a bifurcated
24 procedure, which, in fact, is not the practice.

1 So to some extent you are correct, and that was
2 the point I was making at the pre-trial
3 conference.

4 **MS. TAMRAT:** I understand the evidence is
5 part of the transcript and it is going to be in
6 front of the Board.

7 But, again, my point is, those
8 factors that were testified to as part of his
9 character evidence should not be taken into
10 account in determining whether or not Officer
11 Anderson actually hit his wife or not. I mean
12 that's where the law comes in.

13 **HEARING OFFICER BATES:** The Board will make
14 that decision. They're going to view the tape.
15 They're going to see the testimony. That's the
16 point that I'm making, is that the rules seem
17 to contemplate a bifurcated procedure, but
18 they're going to see the tape of this hearing.

19 **MS. TAMRAT:** Yes.

20 **HEARING OFFICER BATES:** So they're going to
21 have the evidence. That's the point that I'm
22 making to you.

23 And to the extent that you are
24 objecting to it being received, I'm overruling

1 they would be given that, as opposed to it not
2 being in a folder.

3 I think that is actually what the
4 practice is from my observations.

5 But that's not the case. And the
6 witnesses' testimony regarding character
7 evidence, you know, you're correct,
8 theoretically it should only be relevant if
9 there's a finding.

10 With that said, we will stand
11 adjourned until the 25th of August at 10:00
12 a.m.

13 We're set for status regarding
14 the motion to compel. I don't think that
15 anything else will be up at that time, because
16 the motion to dismiss will be considered with
17 the case, won't be ruled upon at that status.
18 Anything else?

19 **MR. HERBERT:** Nothing else.

20 **MS. TAMRAT:** Nothing.

21 **HEARING OFFICER BATES:** We stand adjourned.
22 Thank you.

23 **MR. HERBERT:** Thank you.

24 **MS. TAMRAT:** Thank you.

1 your objection.

2 **MS. TAMRAT:** But I'm not objecting to it
3 being received. I'm objecting to it being used
4 for purposes of determining guilt. I guess I
5 made my record clear.

6 **HEARING OFFICER BATES:** You made your
7 record. The Board will consider it as it
8 considers it. But it's not like I'm going to
9 somehow tell him to splice the tape and they
10 can only listen to these witnesses if there is
11 a finding of guilt, I'm not going to do that.
12 That's the point I'm making.

13 **MS. TAMRAT:** I'm not asking for that.

14 **HEARING OFFICER BATES:** I know. It is
15 not -- the reason why I indicated that I agreed
16 with you is the rules contemplate one thing,
17 the practice is another, is difficult to
18 reconcile the two.

19 If Mr. Herbert had said I don't
20 want the Police Board to look at his
21 complimentary and disciplinary history unless
22 they find him guilty, that sheet of paper,
23 Hearing Officer's Exhibit 1, would be placed in
24 a folder, and once they determined guilt, then

1 (WHEREUPON, the proceedings
2 were adjourned at 1:00 and
3 continued to August 25,
4 2014 at 10:00 a.m.)
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8-AUG-2014 12:35
POLICE BOARD

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS:
3

4 MAUREEN A. WOODMAN, C.S.R., being first
5 duly sworn, says that she is a court reporter
6 doing business in the City of Chicago; that she
7 reported in shorthand the proceedings had at
8 the hearing of said cause; that the foregoing
9 is a true and correct transcript of her
10 shorthand notes, so taken as aforesaid, and
11 contains all the proceedings of said hearing.
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MAUREEN A. WOODMAN, CSR
License No. 084.002740